

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE MAY 1, 2006, MEETING, WITH FIRST READING AT THE JULY 5, 2006, MEETING, AND SECOND READING AT THE AUGUST 7, 2006, MEETING. **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-15

AN ORDINANCE ANNEXING CERTAIN TERRITORY WITHIN THE AREA OF EXTENDED JURISDICTION OF THE CITY OF GREENWOOD, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF GREENWOOD AND REDEFINING THE CORPORATE BOUNDARIES OF THE CITY OF GREENWOOD, INDIANA, APPROXIMATELY 102 ACRES LOCATED WEST OF AVERITT ROAD, NORTH OF CUTSINGER ROAD (commonly known as the City of Greenwood and Greenwood Community School Corporation Properties)

WHEREAS, the Greenwood Plan Commission conducted a public hearing on the voluntary petition for annexation of approximately 102 acres located West of Averitt Road and North of Cutsinger Road; and

WHEREAS, the Greenwood Plan Commission has given a **favorable recommendation** (7 – 0) regarding said annexation petition; and

WHEREAS, in connection with I.C. 36-4-3-3.1, I.C. 36-4-3-13 and Greenwood Common Council Resolution No. 86-2, as amended, a written fiscal plan has been prepared by the City's Director of Planning, Zoning, Research and Development for said annexation; and

WHEREAS, this parcel is located in the Greenwood Plan Commission's area of extended jurisdiction and the petitioner is requesting zoning for 30 acres to remain R-2 Residential Single-Family use; and Petitioner is requesting rezoning for 72 acres from the current R-2 – Residential Single-Family use to ROS – Recreational Open Space use by Greenwood Common Council Ordinance No. 06-14; and

WHEREAS, the area to be voluntarily annexed into the City includes a portion of or is contiguous to certain portions of the roadway(s) known as Averitt Road and Cutsinger Road; and

WHEREAS, the Greenwood Common Council conducted a public hearing concerning the passage of this annexation ordinance prior to its adoption,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. In accordance with IC 36-4-3-1 et seq. which authorizes the Common Council to declare and define the corporate boundaries of the City of Greenwood, Indiana, said corporate boundaries are hereby extended so as to include the following properties commonly known as the City of Greenwood property and Greenwood Community School Corporation property, Greenwood, Indiana, and generally located West of Averitt Road and North of Cutsinger Road, which falls within the following described boundaries, and the real estate located within said boundaries is hereby annexed to and made a part of said City:

ANNEXATION LEGAL DESCRIPTION

CITY OF GREENWOOD PARK LAND PARCEL

PART OF THE SOUTHEAST QUARTER OF SECTION 6, AND PART OF THE NORTHEAST QUARTER OF SECTION 7, ALL IN TOWNSHIP 13 NORTH, RANGE 4

EAST, JOHNSON COUNTY, INDIANA, BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTE 59 SECONDS EAST 1285.69 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 29 MINUTES 46 SECONDS EAST 1340.29 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 01 MINUTE 00 SECONDS WEST 217.06 FEET ALONG SAID EAST LINE; THENCE NORTH 89 DEGREES 33 MINUTES 07 SECONDS EAST 728.08 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AS EXCEPTION "D" TO TRACT 2 IN INSTRUMENT #2000-029863 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE NORTH 88 DEGREES 52 MINUTES 37 SECONDS EAST 612.36 FEET ALONG THE SOUTH LINE OF SAID EXCEPTION TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 52.20 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN INSTRUMENT #2002-03427 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE SOUTH 89 DEGREES 33 MINUTES 07 SECONDS WEST ALONG THE NORTH LINE OF SAID PROPERTY TO THE EAST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 1019.23 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID HALF QUARTER SECTION; THENCE SOUTH 00 DEGREES 07 MINUTES 51 SECONDS EAST 675.87 FEET PASSING INTO SAID SECTION 7, ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN INSTRUMENT #1999-014228 IN THE OFFICE OF THE RECORD OF SAID COUNTY; THENCE SOUTH 89 DEGREES 52 MINUTES 43 SECONDS WEST 551.88 FEET ALONG THE NORTH LINE OF SAID PROPERTY AND ITS WESTERN PROLONGATION TO THE NORTHERN PROLONGATION OF THE WEST LINE OF THAT PROPERTY DESCRIBED IN INSTRUMENT #2001-025111 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE SOUTH 01 DEGREE 10 MINUTES 34 SECONDS WEST 806.57 FEET ALONG SAID PROLONGED LINE TO THE CENTERLINE OF CUTSINGER ROAD; THENCE NORTH 77 DEGREES 34 MINUTES 07 SECONDS WEST 622.65 FEET ALONG SAID CENTERLINE TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 03 MINUTES 53 SECONDS WEST 1333.66 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, AND CONTAINING 72.000 ACRES, MORE OR LESS.

GREENWOOD SCHOOL PARCEL

A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 88 DEGREES 43 MINUTES 41 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID HALF-QUARTER SECTION A DISTANCE OF 1340.57 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 33 MINUTES 48 SECONDS WEST ON AND ALONG THE WEST LINE OF SAID HALF-QUARTER SECTION A DISTANCE OF 1055.38 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 54 SECONDS EAST A DISTANCE OF 1340.45 FEET TO A POINT ON THE EAST LINE OF SAID HALF-QUARTER SECTION; THENCE SOUTH 00 DEGREES 34 MINUTES 43 SECONDS EAST ON AND ALONG SAID EAST LINE A DISTANCE OF 224.42 FEET TO THE NORTHEAST CORNER OF A 1.00 ACRE TRACT OF LAND CONVEYED TO JOHN AND PHOEBE AVERITT AS DESCRIBED IN DEED BOOK 126, PAGE 55 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA; THENCE SOUTH 88 DEGREES 08 MINUTES 17 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID 1.00 ACRE TRACT OF LAND A DISTANCE OF 210.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 34 MINUTES 43 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID 1.00 ACRE TRACT OF LAND A DISTANCE OF 207.43 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 08 MINUTES 17 SECONDS EAST ON AND ALONG THE SOUTH LINE OF SAID 1.00 ACRE TRACT OF LAND A DISTANCE OF 2.73 FEET TO A POINT ON THE WEST LINE OF A 0.95 ACRE TRACT OF LAND ALSO CONVEYED TO JOHN AND PHOEBE AVERITT AS DESCRIBED IN DEED BOOK 217, PAGE 949; THENCE SOUTH 01 DEGREE 52 MINUTES 50 SECONDS EAST ON AND ALONG SAID WEST LINE A DISTANCE OF 203.10 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 43 MINUTES 41 SECONDS EAST ON AND ALONG THE SOUTH LINE OF SAID 0.95 ACRE TRACT OF LAND A DISTANCE OF 202.62 FEET TO THE SOUTHEAST CORNER THEREOF, SAID POINT ALSO BEING ON THE EAST LINE OF SAID HALF-QUARTER SECTION; THENCE SOUTH 00 DEGREES 34 MINUTES 43 SECONDS EAST ON AND ALONG SAID EAST LINE A DISTANCE OF 428.34 FEET TO THE POINT OF BEGINNING CONTAINING 30.668 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

Section 2. The territory annexed by this Ordinance is hereby assigned to the Greenwood Common Council District Two (2).

Section 3. The official zoning map referred to in the Greenwood Zoning Ordinance No. 82-1, as amended, shall reflect and the Greenwood Common Council states that upon the

effective date of this annexation ordinance, the properties within the above described annexation area are hereby zoned as follows: 1) 30 acres as R-2 Residential Single-Family use; and 2) 72 acres as ROS – Recreational Open Space use.

Section 4. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this _____ day of _____, 20__.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2006, is presented by me this _____ day of _____, 2006, at _____ O’Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2006, is signed and approved by me this _____ day of _____, 2006, at _____ O’Clock __.M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana